

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. *Applicant/Contact name and address:* ROBERT AND JOSHUA ANDERSON  
PO BOX 376  
FRENCHTOWN, MT 59834
2. *Type of action:* APPLICATION TO CHANGE A WATER RIGHT 76M-30044227
3. *Water source name:* GROUNDWATER
4. *Location affected by project:* SECTIONS 27 AND 34, T15N, R21W, MISSOULA CO.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*  
THIS APPLICATION TO CHANGE A WATER RIGHT IS A REQUEST TO CHANGE THE PURPOSE OF THREE GROUNDWATER CERTIFICATES FROM DOMESTIC, STOCK AND LAWN AND GARDEN IRRIGATION TO MITIGATION.

THE PURPOSE OF THE WATER RIGHT CHANGE APPLICATION IS TO MITIGATE PREDICTED NET STREAM DEPLETION THAT WOULD OCCUR FROM USE OF TWO GROUNDWATER WELLS DESCRIBED BY PENDING PERMIT APPLICATION 76M-30044226. THE APPLICANT PROPOSES TO CHANGE THE PURPOSE AND PLACE OF USE OF THREE EXISTING CERTIFICATE OF WATER RIGHT. THE APPLICANT WOULD REMOVE ALL EXISTING USES AND DECOMMISSION THE TWO WELLS DESCRIBED BY THE THREE WATER RIGHTS. ALL THE FLOW RATE AND CONSUMED VOLUME OF THE THREE WATER RIGHTS WOULD BE CHANGED TO MITIGATION.

THE REACH OF THE CLARK FORK RIVER THAT WOULD BE AFFECTED IS LOCATED IN A REACH THAT IS DESCRIBED AS THAT SECTION OF RIVER FROM A POINT IN THE SE¼ SECTION 3, T14N, R21W APPROXIMATELY 5 MILES DOWNSTREAM TO A POINT IN THE NE¼ SECTION 36, T15N, R22W..

THE DNRC SHALL ISSUE AN AUTHORIZATION TO CHANGE A WATER RIGHT IF THE APPLICANT PROVES THE CRITERIA IN §85-2-402, MCA ARE MET.

6. *Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)*

MONTANA NATURAL HERITAGE PROGRAM FOR THREATENED AND ENDANGERED  
PLANT AND ANIMAL INFORMATION – SEE EA FOR APPLICATION 76M-30027375.  
STATE OF MONTANA HISTORICAL PRESERVATION OFFICE FOR CULTURAL  
INFORMATION  
DFWP MFISH WEBSITE FOR DEWATERING CONCERNS, FISH SPECIES

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

*Determination:* NO SIGNIFICANT IMPACTS.

**Water quality** - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

*Determination:* NO SIGNIFICANT IMPACTS.

THIS PROPOSAL TO CHANGE THE THREE CERTIFICATES OF WATER RIGHT FROM EXISTING USES TO MITIGATION OF PREDICTED NET DEPLETIONS TO THE CLARK FORK RIVER FROM PENDING WATER USE PERMIT APPLICATION 76H-30044226 WOULD NOT BE EXPECTED TO AFFECT WATER QUALITY. NO WATER WILL BE DISCHARGED TO ANY WATER SOURCE AS A RESULT OF THIS APPLICATION.

**Groundwater** - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

*Determination:* NO SIGNIFICANT IMPACTS.

IMPACTS TO GROUNDWATER RESOURCES ARE NOT EXPECTED AS A RESULT OF THIS PROPOSAL TO MITIGATE PREDICTED NET DEPLETIONS TO TRHE CLARK FORK RIVER.

**DIVERSION WORKS** - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

*Determination:* NO SIGNIFICANT IMPACTS.

THIS PROPOSAL IS TO MITIGATE PREDICTED NET DEPLETIONS TO THE CLARK FORK RIVER FROM PROPOSED USE OF GROUNDWATER BY RETIRING USE OF TWO WELLS WOULD REQUIRE NO ADDITIONAL DIVERSION WORKS. THE APPLICANT HAS INDICATED THAT EXISTING DIVERSION WORKS WOULD BE DECOMMISSIONED SO THE MITIGATION WATER WOULD NOT BE DIVERTED

**UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

*Determination:* NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT WILL NOT IMPACT ANY THREATENED OR ENDANGERED FISH, WILDLIFE, PLANTS OR AQUATIC SPECIES. THERE WILL BE NO CONSTRUCTION, SOIL DISTURBANCES, OR OTHER PHYSICAL ALTERATIONS TO THE LANDSCAPE RESULTING FROM THE PROPOSED CHANGE IN WATER USE.

THE MONTANA NATURAL HERITAGE PROGRAM FILE SEARCH CONDUCTED FOR THIS PROJECT PROPOSAL INDICATED SEVERAL PLANT AND ANIMAL SPECIES OF CONCERN OCCUR IN THE VICINITY OF THE PROPOSED PROJECT.

THE VERTEBRATE ANIMALS WESTERN SKINK, GRAY WOLF, BALD EAGLE, WESTSLOPE CUTTHROAT TROUT, BULL TROUT, FISHER, WOLVERINE AND CANAD LYNX ARE IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT.

VASCULAR PLANT: COLUMBIA WATER-MEAL

**Wetlands** - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

*Determination:* NO SIGNIFICANT IMPACTS.

THERE ARE NO WETLANDS IN THE VICINITY OF THE PROPOSED PROJECT THAT WOULD BE AFFECTED.

**Ponds** - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

*Determination:* NO SIGNIFICANT IMPACTS.

THERE ARE NO PONDS ASSOCIATED WITH THE PROPOSED PROJECT.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

*Determination:* NO SIGNIFICANT IMPACTS.

SOIL STABILITY, QUALITY AND MOISTURE CONTENT WOULD NOT CHANGE AS A RESULT OF THE PROPOSED PROJECT.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

*Determination:* NO SIGNIFICANT IMPACTS.

EXISTING VEGETATIVE COVER WOULD NOT CHANGE AS A RESULT OF THE PROPOSED PROJECT.

**AIR QUALITY** - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

*Determination:* NO SIGNIFICANT IMPACTS.

**HISTORICAL AND ARCHEOLOGICAL SITES** - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

*Determination:* NO SIGNIFICANT IMPACTS.

THE STATE HISTORICAL PRESERVATION OFFICE RECOMMENDS THAT WHEN THERE IS TO BE NO ADDITIONAL GROUND DISTURBANCE RESULTING FROM THE PROPOSED PROJECT, NO CULTURAL INVENTORY IS WARRANTED. THE PRESENT PROPOSED PROJECT WOULD NOT CAUSE ANY ADDITIONAL GROUND DISTURBANCE.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - Assess any other impacts on environmental resources of land, water and energy not already addressed.

*Determination:* NO SIGNIFICANT IMPACTS.

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: NO SIGNIFICANT IMPACTS.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: NO SIGNIFICANT IMPACTS.

**HUMAN HEALTH** - Assess whether the proposed project impacts on human health.

Determination: NO SIGNIFICANT IMPACTS.

**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes\_\_\_ No X\_\_\_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination:

**OTHER HUMAN ENVIRONMENTAL ISSUES** - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- |  |      |
|--|------|
| (a) <u>Cultural uniqueness and diversity?</u>                  | NONE |
| (b) <u>Local and state tax base and tax revenues?</u>          | NONE |
| (c) <u>Existing land uses?</u>                                 | NONE |
| (d) <u>Quantity and distribution of employment?</u>            | NONE |
| (e) <u>Distribution and density of population and housing?</u> | NONE |
| (f) <u>Demands for government services?</u>                    | NONE |
| (g) <u>Industrial and commercial activity?</u>                 | NONE |
| (h) <u>Utilities?</u>  | NONE |
| (i) <u>Transportation?</u>                                     | NONE |
| (j) <u>Safety?</u>   | NONE |

(k) Other appropriate social and economic circumstances? NONE

**2. Secondary and cumulative impacts on the physical environment and human population:**

Secondary Impacts NONE IDENTIFIED IN THIS EA.

Cumulative Impacts NONE IDENTIFIED IN THIS EA.

**3. Describe any mitigation/stipulation measures:**  
NONE IDENTIFIED IN THIS EA.

**4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:** THERE ARE NO OTHER REASONABLE ALTERNATIVES TO THE PROPOSED PROJECT. THE NO ACTION ALTERNATIVE WOULD DISALLOW THE APPLICANT FROM CHANGING THE PURPOSE, POINT OF DIVERSION AND PLACE OF USE OF THE AFFECTED WATER RIGHTS TO MITIGATION OF PREDICTED DEPLETION TO THE CLARK FORK RIVER FROM USE OF THE GROUNDWATER WELLS PROPOSED BY PENDING PERMIT APPLICATION 76M-30044226.

**PART III. Conclusion**

**1. Preferred Alternative**

**2. Comments and Responses**

**3. Finding:**  
*Based on the significance criteria evaluated in this EA, is an EIS required?*  
Yes\_\_\_ No X\_\_\_

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:*

AN EA IS THE APPROPRIATE LEVEL OF ANALYSIS FOR THIS PROPOSED ACTION BECAUSE NO SIGNIFICANT IMPACTS HAVE BEEN IDENTIFIED AS A RESULT OF THE PROPOSED ACTION.

*Name of person(s) responsible for preparation of EA:*

Name: PATRICK RYAN  
Title: WATER RESOURCE SPECIALIST  
Date: MARCH 25, 2009